

MERCHANT, GOULD, SMITH, EDELL, WELTER & SCHMIDT

United States Patent Application

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: RETROVIRAL VECTORS

The specification of which

a. ☐ is attached hereto

b. ☒ was filed on _____ as application serial no. _____

and was amended on _____ (if applicable) (in the case of a PCT-filed

application) described and claimed in international no. PCT/GB97/02859 filed 17 October 1997 and as amended on _____ (if any), which I have reviewed and for which I solicit a United States patent.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (attached hereto).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

a. ☐ no such applications have been filed.

b. ☒ such applications have been filed as follows:

| FOREIGN APPLICATION(S), IF ANY, CLAIMING PRIORITY UNDER 35 USC § 119 | | | |
|--|--------------------|--------------------------------------|-------------------------------------|
| COUNTRY | APPLICATION NUMBER | DATE OF FILING (day, month, year) | DATE OF ISSUE (day, month, year) |
| Great Britain | 9621679.1 | 17 October 1996 | |
| ALL FOREIGN APPLICATION(S), IF ANY, FILED BEFORE THE PRIORITY APPLICATION(S) | | | |
| COUNTRY | APPLICATION NUMBER | DATE OF FILING (day, month, year) | DATE OF ISSUE (day, month, year) |
| | | | |

I hereby claim the benefit under Title 35, United States Code, § 120/365 of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

| U.S. APPLICATION NUMBER | DATE OF FILING (day, month, year) | STATUS (patented, pending, abandoned) |
|-------------------------|-----------------------------------|---------------------------------------|
| | | |

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

| U.S. PROVISIONAL APPLICATION NUMBER | DATE OF FILING (Day, Month, Year) |
|-------------------------------------|-----------------------------------|
| | |

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

| | | | |
|-----------------------------|-------------------|-----------------------|-------------------|
| Albrecht, John W. | Reg. No. 40,481 | Lacy, Paul E. | Reg. No. 38,946 |
| Anderson, Gregg I. | Reg. No. 28,828 | Larson, James A. | Reg. No. 40,443 |
| Ansems, Gregory M. | Reg. No. 42,264 | Lasky, Michael B. | Reg. No. 29,555 |
| Batzli, Brian H. | Reg. No. 32,960 | Liepa, Mara E. | Reg. No. 40,066 |
| Beard, John L. | Reg. No. 27,612 | Lindquist, Timothy A. | Reg. No. 40,701 |
| Bernan, Charles | Reg. No. 29,249 | Lynch, David W. | Reg. No. 36,204 |
| Black, Bruce E. | Reg. No. 41,622 | Marschang, Diane L. | Reg. No. 35,600 |
| Blasdell, Thomas L. | Reg. No. 31,329 | McDaniel, Karen D. | Reg. No. 37,674 |
| Bogucki, Raymond A. | Reg. No. 17,426 | McDonald, Daniel W. | Reg. No. 32,044 |
| Bruess, Steven C. | Reg. No. 34,130 | McIntyre, Iain A. | Reg. No. 40,337 |
| Byrne, Linda M. | Reg. No. 32,404 | McKenzie Denise L. | Reg. No. P-43,790 |
| Carlson, Alan G. | Reg. No. 25,959 | Mueller, Douglas P. | Reg. No. 30,300 |
| Carter, Charles G. | Reg. No. 35,093 | Nasiedlak, Tyler L. | Reg. No. 40,099 |
| Caspers, Philip P. | Reg. No. 33,227 | Nelson, Albin J. | Reg. No. 28,650 |
| Chiapetta, James R. | Reg. No. 39,634 | Parker, Sandra M. | Reg. No. 36,233 |
| Clifford, John A. | Reg. No. 30,247 | Pauly, Daniel M. | Reg. No. 40,123 |
| Cochran, William W. | Reg. No. 26,632 | Phillips, John B. | Reg. No. 37,206 |
| Daignault, Ronald A. | Reg. No. 25,968 | Plunkett, Theodore | Reg. No. 37,209 |
| Daley, Dennis R. | Reg. No. 34,994 | Pytel, Melissa J. | Reg. No. 41,512 |
| Dalglisch, Leslie E. | Reg. No. 40,379 | Reich, John C. | Reg. No. 37,703 |
| Daulton, Julie R. | Reg. No. 36,414 | Reiland, Earl D. | Reg. No. 25,767 |
| DeVries Smith, Katherine M. | Reg. No. 42,157 | Rittmaster, Ted R. | Reg. No. 32,933 |
| DiPietro, Mark J. | Reg. No. 28,707 | Schmaltz, David G. | Reg. No. 39,828 |
| Edell, Robert T. | Reg. No. 20,187 | Schuman, Mark D. | Reg. No. 31,197 |
| Epp Ryan, Sandra | Reg. No. 39,667 | Schumann, Michael D. | Reg. No. 30,422 |
| Farber, Michael B. | Reg. No. 32,612 | Sebald, Gregory A. | Reg. No. 33,280 |
| Funk, Steven R. | Reg. No. 37,830 | Skoog, Mark T. | Reg. No. 40,178 |
| Glance, Robert J. | Reg. No. 40,620 | Soderberg, Richard | Reg. No. P-43,352 |
| Golla, Charles E. | Reg. No. 26,896 | Sumner, John P. | Reg. No. 29,114 |
| Gorman, Alan G. | Reg. No. 38,472 | Sumners, John S. | Reg. No. 24,216 |
| Gould, John D. | Reg. No. 18,223 | Tellekson, David K. | Reg. No. 32,314 |
| Gregson, Richard | Reg. No. 41,804 | Trembath, Jon R. | Reg. No. 38,344 |
| Gresens, John J. | Reg. No. 33,112 | Underhill, Albert L. | Reg. No. 27,403 |
| Hamre, Curtis B. | Reg. No. 29,165 | Vandenburgh, J. Derek | Reg. No. 32,179 |
| Hillson, Randall A. | Reg. No. 31,838 | Vradenburgh, Anna M. | Reg. No. 39,868 |
| Holzer, Jr., Richard J. | Reg. No. 42,668 | Welter, Paul A. | Reg. No. 20,890 |
| Johnston, Scott W. | Reg. No. 39,721 | Whipps, Brian | Reg. No. 43,261 |
| Kastelic, Joseph M. | Reg. No. 37,160 | Wickhem, J. Scot | Reg. No. 41,376 |
| Kettelberger, Denise | Reg. No. 33,924 | Williams, Douglas J. | Reg. No. 27,054 |
| Knearl, Homer L. | Reg. No. 21,197 | Witt, Jonelle | Reg. No. 41,980 |
| Komanduri, Janaki | Reg. No. 40,684 | Wood, Gregory B. | Reg. No. 28,133 |
| Kowalchuk, Alan W. | Reg. No. 31,535 | Wood, William J. | Reg. No. 42,236 |
| Kowalchuk, Katherine M. | Reg. No. 36,848 | Xu, Min S. | Reg. No. 39,536 |
| Kubota, Glenn M. | Reg. No. P-44,197 | | |

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/ organization who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Merchant, Gould, Smith, Edell, Welter & Schmidt to the contrary.

Please direct all correspondence in this case to Merchant, Gould, Smith, Edell, Welter & Schmidt at the address indicated below:

Merchant, Gould, Smith, Edell,
Welter & Schmidt
3100 Norwest Center
90 South Seventh Street
Minneapolis, MN 55402-4131

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true: and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

| | | | | |
|----------------------------|-------------------------|--|---|--|
| 2 | Full Name Of Inventor | Family Name KINGSMAN | First Given Name Susan | Second Given Name Mary |
| 0 | Residence & Citizenship | City Islip | State or Foreign Country GREAT BRITAIN | Country of Citizenship GREAT BRITAIN |
| 1 | Post Office Address | Post Office Address Greystones, Middle Street | City Islip | State & Zip Code/Country Oxon OX5 2SF GREAT BRITAIN |
| Signature of Inventor 201: | | | Date: 6/4/99 | |
| 2 | Full Name Of Inventor | Family Name KINGSMAN | First Given Name Alan | Second Given Name John |
| 0 | Residence & Citizenship | City Islip | State or Foreign Country GREAT BRITAIN | Country of Citizenship GREAT BRITAIN |
| 1 | Post Office Address | Post Office Address Greystones, Middle Street | City Islip | State & Zip Code/Country OXON OX5 2SF GREAT BRITAIN |
| Signature of Inventor 202: | | | Date: 1/6/99 | |

SMALL BUSINESS

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 C.F.R. 1.9(f) AND 1.27(c)) - SMALL BUSINESS CONCERN**

I hereby declare that I am

- a) ☐ the owner of the small business concern identified below:
b) ☐ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN: OXFORD BIOMEDICA (UK) LIMITED
ADDRESS OF CONCERN: Medawar Centre
Robert Robinson Avenue
The Oxford Science Park
Oxford OX4 4GA
GREAT BRITAIN

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 C.F.R. 121.801-805, and reproduced in 37 C.F.R. 1.9(d), for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled RETROVIRAL VECTORS by inventor(s) Susan Mary KINGSMAN and Alan John KINGSMAN described in

- a) ☐ the specification filed herewith.
b) ☐ provisional application serial no. ___, filed ___.
c) ☒ non-provisional application serial no. 09/254529, Int'l Filing Date: October 17, 1997.
d) ☐ patent no. ___, issued ___.

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 C.F.R. 1.9(c) or by any concern which would not qualify as a small business concern under 37 C.F.R. 1.9(d) or a nonprofit organization under 37 C.F.R. 1.9(e). *NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 C.F.R. 1.27)

NAME: _____

ADDRESS: _____

a) ☐ INDIVIDUAL b) ☐ SMALL BUSINESS CONCERN c) ☐ NONPROFIT ORGANIZATION

NAME: _____

ADDRESS: _____

a) ☐ INDIVIDUAL b) ☐ SMALL BUSINESS CONCERN c) ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 C.F.R. 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereof, or any patent to which this verified statement is directed.

NAME: _____

TITLE: _____

ADDRESS: _____

SIGNATURE: _____

Date: _____